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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:
Sakae ISHIKAWA, et al.

GROUP: 3653

SERIAL NO: 09/848,764

EXAMINER: Michael E. BUTLER

RCE FILED: AUGUST 31, 2005

FOR: METHOD OF AND SYSTEM FOR MANAGING RACK OPERATION, METHOD OF AND SYSTEM FOR MANAGING MULTISTAGE RACK, ARTICLE CONVEYANCE AND STORAGE DEVICE, AND COMPUTER PRODUCT

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a Notice of Appeal.

The review is requested for the reason(s) stated on the attached sheet(s). No more than five (5) pages are provided.

I am the attorney or agent of record.

Respectfully Submitted,

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PRE-APPEAL BRIEF CONFERENCE ARGUMENTS

I. Brief Description of the Disclosed Invention

Applicants' invention is directed to a method and system for delivering and collecting an article delivery-and-collection package used for packing, storing or delivering articles. As descried in the Background of the Invention section of the present application, durable reusable racks have recently come into use for delivering new products and collecting old products from a delivery site. However, with the large volume replacement of electronic equipment such as copiers, management of the reusable racks has become difficult. For example, there are many cases where a new product of a copier is delivered to a customer and at the same time the old product, already owned by the customer but having a different shape than the new product, is collected at the customer site. Thus, the rack used for delivering the new product cannot be used for collecting the old product and two separate racks must be brought to the customer's site. This makes delivery difficult and less efficient. Applicants' invention is directed to addressing this problem.

II. The Cited References Do Not Teach All limitations of Claim 1

Specifically, Applicants' sole independent Claim 1 recites:

> Claim 1: A system for delivering and collecting an article delivery-and-collection package used for packing, storing or delivering articles, the article delivery-and-collection package being assembled from a plurality of package components stocked at a management center, and repeatedly used for packing storing or delivering articles, said system comprising:
>
> the article delivery-and-collection package configured to be assembled as a first delivery-and-collection package for packing a first article to be delivered and configured to be reassembled as a second delivery-and-collection package for packing a second article to be collected after delivery of the first article, the second article having a different height from that of the first article;
>
> a specification unit configured to specify a plurality of first package components required to assemble the first delivery-and-collection package for delivering the first article to a delivery site, and second package components that are not required to assemble said first delivery-and-collection package yet required to assemble the second delivery-and-collection for collecting the second article from said delivery site; and

> an instruction unit configured to provide instructions for a delivery procedure for said first article and a collection procedure for said second article, said instructions including directions for assembling said second delivery-and-collection package using at least one of said first package components, along with said second package components specified by said specification unit.

Thus, the system of Claim 1 includes an article delivery-and-collection package that can be assembled as first package for delivering a first article, and a second package for collecting a different height article. Further, the claimed system includes a specification unit that specifies package components required to assemble the first and second packages, and an instruction unit that provides directions for assembling the first and second packages.

The cited reference to Knudsen, Jr. discloses a process for storing and retrieving different types of products from a storage warehouse. As shown in Figure 1 of Knudsen, Jr., a control system 25 causes a crane 18 to receive products from a high rise storage structure having separate storage structures 12A and 12B. As shown in Figure 3 each storage structure 12A and 12B has individual compartments called racks 14. The crane 18 moves on a rail between the storage structures 12A and 12B and removes product pallets from the racks and deposits them in a shipping lane 24 where the products are picked up from pallets and placed into trucks for shipment. A control system 25 records and maintains current data pertaining to the inventory of pallets in each rack 14 or lane 24.

Brown discloses a manufacturing cell for consolidating the manufacturing of personal computers. As seen in Figure 8 of Brown, the manufacturing cell 112 includes an overhead conveyor 107 configured to carry a kit of parts for assembling a special order personal computer to the manufacturing cell 112. The kit of parts is placed within a tote 115, which is transferred from the overhead conveyor 107 to the lift elevator 114 which brings the kit of parts within its tote to the work surface 117. The kit of parts is then removed from the tote

115 and assembled into a special order personal computer or component of a personal computer.

Roberts et al. discloses a bill of lading transmission and processing system for aiding shipping carriers in efficiently handling bills of lading. As seen in Fig. 1A, the system includes a scanning input system 20 for inputting a bill of lading, a document communications system for transmitting the scanned bill of lading, and a document communications system 50 for receiving the bill of lading. As also seen in Fig. 1A, the bill of lading system can extract and process information from the bill of lading to expedite the shipping process.

Thus, both Knudsen, Jr. and Brown disclose a system for carrying products and/or components within a manufacturing/shipping facility. The systems use similar mobile racks or conveyors for internal transfer of components; however, these mobile or portable racks do not provide a "package" for shipment of an article. Further, the system of Roberts et al. is directed to a communications system for transmitting and processing bills of lading, but in no way relates to packaging and repackaging of objects. More specifically, the systems of Knudsen, Jr., Brown and Roberts et al. do not disclose an article delivery-and-collection package configured to be assembled as a first delivery and collection package for packing a first article to be delivered and configured to be reassembled as a second delivery and collection package for packing a second article to be collected after delivery of the first article, the second article having a different height from that of the first article, as required by Claim 1.

The Office Action acknowledges that the primary cited references do not teach the above article delivery-and-collection package limitation,[1] but curiously cites each of

[1] The Office Action cites only the secondary reference to Arai et al. as teaching this limitation, as discussed below.

Knudsen, Jr. , Brown, and Roberts et al. as disclosing the "specification unit..." and "instruction unit..." limitations also recited in Claim 1. As seen in the text of Claim 1 cited above, the specification unit specifies first package components required for the first delivery-and-collection package and the second package components that are not required to assemble the first delivery-and-collection package yet required to assemble the second delivery-and-collection package. The instruction unit further provides directions for assembling the second delivery-and-collection package using at least one of the first package components, along with the second package components specified by the specification unit. These limitations cannot possibly be disclosed in Knudsen, Jr. , Brown, and Roberts et al. since, as the Office Action admits, these primary references do not even disclose the configuration of the delivery-and-collection package itself. In this regard, Applicants submit that the portions of Knudsen, Jr. , Brown, and Roberts et al. cited in the office action as teaching this limitation merely disclose some type of control or computing system, but are completely unrelated to the "specification unit..." and "instruction unit..." limitations of Claim 1.

The Office Action attempts to correct this deficiency by stating that

> ***"Aria et al. '985 discloses any elements not inherently taught by Knudsen, Jr. [Brown, or Roberts et al.] including (Re:cl 1) the article delivery and collection package ...[limitation]."***

Not only is this inherency statement improper as completely unsupported by the Office Action, but Arai et al. in fact does not disclose the article delivery-and-collection package limitation.

Arai et al. discloses a carrying and keeping device for an article to be stored in a warehouse. As seen in the figures of this reference, the device includes a pallet 2 and a cage device 32 to be secured to the top of the pallet surrounding the object carried on the pallet.

Although the cage device 32 can be adjusted in a width direction as shown in Figs. 5 and 8, this device maintains a constant height as indicated throughout the figures. Thus, Arai et al. does not disclose the one limitation explicitly asserted by the Office Action, namely "an article delivery-and-collection package configured to be assembled as a first delivery-and-collection package... and ... reassembled as a second delivery-and-collection package..., the second article having a different height from that of the first article."

Even assuming that this limitation can be gleaned from Arai et al., this reference, does not teach or suggest, and is not cited for teaching, the specification unit and instruction unit limitations. As noted above, these limitations are completely absent from the primary cited references.

For the reasons discussed above, Claim 1, and claims depending therefrom, patentably define over the cited references and the outstanding rejection should be withdrawn.

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